

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/12/10	DEC 18 2009
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UNITED STATES OF AMERICA

09 Cr. 1058 (VM)

v.

Filed:

Violations:

RUBIN/CHAMBERS, DUNHILL INSURANCE  
SERVICES, INC. dba CHAMBERS, DUNHILL  
RUBIN & CO. and CDR FINANCIAL  
PRODUCTS, INC.;  
DAVID RUBIN;  
ZEVI WOLMARK, aka STEWART WOLMARK;  
and EVAN ANDREW ZAREFSKY,

15 U.S.C. § 1  
18 U.S.C. § 371  
18 U.S.C. § 1343  
18 U.S.C. § 1001  
18 U.S.C. § 1005  
26 U.S.C. § 7212

Defendants.

**PROTECTIVE ORDER**

Upon consideration of the Government's Motion for a Protective Order, **IT IS HEREBY ORDERED** that:

1. This Protective Order, entered pursuant to Rules 16(d) and 57 of the Federal Rules of Criminal Procedure, applies to the discovery materials produced in this matter (hereinafter "Protected Materials").
2. Defendants and Defendants' counsel, upon receiving the Protected Materials, may not disclose or disseminate the Protected Materials or any information taken from the Protected Materials to any third party unless such disclosure or dissemination is in preparation of Defendants' individual and collective defenses in this case. Defendants and Defendants' counsel may not disclose Protected Materials to members of the media. Defendants or Defendants' counsel may not use, disclose

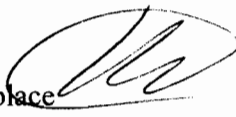
or disseminate the Protected Materials or any information taken from the Protected Materials for any commercial or business purpose.

3. Any third party<sup>or its counsel</sup> to whom disclosure or dissemination is made pursuant to this Order may not further disclose or disseminate the Protected Materials or any information taken from the Protected Materials for any purpose or use the Protected Materials or any information taken from the Protected Materials for any commercial or business purpose.
4. If Defendants or Defendants' counsel disclose or disseminate any Protected Materials or any information taken from the Protected Materials to a third party or its counsel, Defendants or Defendants' counsel shall obtain from one representative of each such third party or its counsel, at the time of the initial disclosure or dissemination, the following written statement:

I acknowledge that the discovery materials (known "Protected Materials") provided to me are protected from further disclosure or dissemination by the Court's Protective Order, dated December \_\_\_, 2009, copy of which I have received and read in its entirety. I agree to be bound by its provisions.

Neither Defendants nor Defendants' counsel shall be required, absent further court order, to disclose the identities of the third parties to which it has disclosed or disseminated the Protected Materials or the written statements obtained from those third parties. Defendants' counsel shall maintain a copy of each signed statement, each of which shall be considered "Protected Materials" pursuant to this Protective Order. However, Defendants or Defendants' counsel need not obtain such statement from any member of the defense team (attorneys, experts, consultants, paralegals, investigators, support personnel, and secretarial staff

involved in the representation of Defendants in this case) all of whom are nonetheless bound by this Protective Order. No third party shall be required to disclose its receipt of Protected materials or the aforementioned written statement pursuant to this Protective Order.

5. Defendants and Defendants' counsel shall <sup>store</sup> all Protected Materials in secure place  and shall use reasonable care to ensure that the Protect Materials are not disclosed or disseminated to any third parties in violation of the Protective Order. In the event of an inadvertent disclosure of Protected materials, Defendants' counsel shall promptly notify the Court and the original source party of such Protected Materials as to the identity of the recipient of the inadvertently produced Protected Materials and shall use all reasonable efforts to secure the return or destruction of the inadvertently produced Protected Materials.
6. Unless otherwise required by law, if Defendants or Defendants' counsel, or a third party or its counsel, has obtained Protected Materials pursuant to this Protective Order and, in the context of another court proceeding, investigation of inquiry, receives a subpoena or other compulsory process commanding the production of such Protected Materials, the party shall promptly notify the original source party of the Protected Materials at least fourteen (14) days before disclosure and shall object to the production of the Protected Materials pursuant to this Protective Order. If any Defendants, Defendants' counsel or a third party or its counsel had obtained Protected Materials pursuant to this Protective Order and receives a motion to compel production of such documents, that party shall

promptly notify the original source party of the Protected Materials and shall advise the court in which such a motion is made of the existence of this Protective Order. If a court nonetheless orders the production of Protected Materials that are subject to this Protective Order, then production of such documents pursuant to that order shall not be deemed a violation of the Protective Order. Nothing contained in this Protective Order is intended to indicate that any other court order would have priority over this Protective Order. Moreover, nothing contained herein shall waive any party's objection to the jurisdiction of the other court.

7. Upon completion of the case, Defendants and Defendants' counsel, and members of the defense team, to whom disclosure or dissemination of the Protected Materials or any information taken from the Protected Materials is made pursuant to this Order shall, upon request of the Government, return all such materials in their possession or control, as well as copies made thereof, to the Government, or shall destroy all such materials in their possession or control, as well as copies made thereof. Any third party or their counsel to whom disclosure or dissemination of the Protected Materials or any information taken from the Protected Materials is made pursuant to this Protective Order shall, upon request of the Government, destroy all such materials in their possession or control, as well as copies made thereof, or return such materials and copies made thereof to Defendants' counsel.

8. Nothing in this Protective Order shall preclude any interested party from filing a motion seeking a modification of the Protective Order.

**SO ORDERED.**

**SIGNED** on this 12<sup>th</sup> day of December, 2009.

A handwritten signature in black ink, consisting of several fluid, overlapping strokes, positioned above a horizontal line.

VICTOR MARRERO  
UNITED STATES DISTRICT JUDGE